

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BENJAMIN WITTES,

Plaintiff,

V.

U.S. DEPARTMENT OF JUSTICE and
OFFICE OF MANAGEMENT AND
BUDGET,

Defendants.

Civil Action No. 1:17-cv-01627-RC

**MOTION FOR A STAY OF DEADLINES
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of the parties' January 4, 2019 deadline to file a Joint Status Report in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the parties' January 4, 2019 deadline to file a Joint Status Report until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. In accordance with Local Rule 7(m), counsel for Defendants conferred with counsel for Plaintiff prior to filing this motion. Plaintiff consents to the requested relief.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the January 4, 2019 deadline to file a joint status report in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: December 26, 2018

Respectfully submitted,

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Assistant Attorney General

ELIZABETH J. SHAPIRO
Deputy Branch Director

/s/ Chetan A. Patil
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Attorneys for Defendants

Defendants.

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Honorable Rudolph Contreras
United States District Judge